



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • FEBRUARY 8, 2022

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Whitson called the meeting to order at 7 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- IV. **Board Policy:** Chairman Whitson advised the public of the below Board policies: - It is Board Policy that no application will be opened after 10:00 P.M. - No new testimony will be taken after 10:30 P.M., except at the discretion of the Board
- V. **Roll Call:**

Attendee Name	Title	Status	DEPARTED
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	8:16 PM
Thomas Tvrdik	Class III	Present	7:32 PM
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Absent	
Michael Dailey	Class IV	Present	
Leslie B. Widdis	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. **Board Business:**

- Report of Pending Applications - Ms. Smith advised the next meeting would be Feb. 22 with the 9A Pocano Avenue application continuing and 16 Balmer Court scheduled.
- Mandatory Training - Ms. Smith advised that many members needed to comply with the statutory and mandatory training for Board members. Arrangements have been made to host the class in Oceanport in May with more details to follow. She asked that members set aside that date in their calendars.

VII. **Approval of Minutes:**

- Planning/Zoning Board - Reorganization - Jan 11, 2022 7:00 PM

RESULT:	ACCEPTED [5 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Dailey
ABSTAIN:	Foster, Widdis L
ABSENT:	Widdis C, Kleiberg, Davis

VIII. **Old Business:**

- PR-21-33 Resolution of Approval - Oport Partners, Phase II

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Tvrdik, Foster, Dailey
ABSENT:	Widdis C, Kleiberg, Davis
INELIGIBLE:	Cooper, Widdis L

Mr. Tvrdik excused himself from the next matter and exited the meeting at 7:32 PM

IX. New Business:

1. PB2021-09- Galvao Investments, LLC
73 Monmouth Blvd
Block 13, Lot 24
Variances for driveway setback and maximum impervious coverage

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property," prepared by Charles Surmonte P.E. & P.L.S., dated April 23, 2021
- A-3 Alterations to: 73 Monmouth Boulevard," 1 Sheet, prepared by Parallel Architectural Group, last revised July 26, 2021.
- A-4 Colliers Engineering Review Letter, dated October 26, 2021

Mr. Tvrdik excused himself from the meeting at 7:32 PM

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4.

The following persons were sworn in: William White, Board Engineer/Planner; Geraldo Silva Owner/Applicant and Ms. Franco Court approved translator.

Mr. Edinger, Applicant's attorney described the property. There is a gravel driveway that is too close to the side lot so they will need a variance for that. They believe this is a preexisting condition, one that has existed for a long period of time prior to Da Silva purchase of the property. The gravel continues throughout the property, including front driveway, running beside the house, and going to the back there is an area of gravel the extends a third of the area in the backyard. They were notified by code enforcement that the gravel exceeds the lot coverage. Mr. Da Silva testified that he added the gravel in the front to help with getting out of the driveway because of how busy the street is, this allows them to turn around and not have to back out. Mr. Da Silva believed it was a safety issue for himself and his tenants. The backyard has 25' of stone going across the lot which Mr. Da Silva said was there at time of purchase, he added more to the stones. Mr. Edinger asked if Mr. Da Silva removed any of the preexisting structures when purchased? Mr. Da Silva said he removed the back walkway that went through the driveway it was all concrete and now is gravel. Mr. Da Silva has also removed a Bilco, left the stairs. On the Eastern side of the dwelling Mr. Da Silva added gravel because no grass grows there. The zoning official has said that Mr. Da Silva has too much coverage on the property. He needs to modify some of the gravel area to make the property more compliant with the zoning code. Mr. Edinger asked his client Mr. Da Silva if he was willing to reduce the area behind the house which is 25' to 50' of gravel in half to make the property compliant? Mr. Da Silva agreed. Mr. Edinger asked if Mr. Da Silva would be willing to remove the gravel on the eastern border adjacent to the rear of the house? Mr. Da Silva is willing to comply with that.

Chairman Whitson invited questions from Mr. White and Board members

Mrs. Widdis asked if there was insufficient room in the driveway for a car to turn around without having the gravel?

Mr. Da Silva said if there was grass, no gravel there would not be room to turn around.

Mrs. Widdis asked Mr. Da Silva if he has a tenant in place and how many cars do, they have?

Mr. Da Silva said there are tenants and 4 cars.

Mrs. Widdis asked how many cars can fit in the driveway?

Mr. Da Silva said 3.

Mr. Dailey asked if the entire back yard was covered in stone? What was the reasoning for putting stones in the whole backyard?

Mr. Da Silva told Mr. Dailey the stones were already there when he bought the property, he just filled it in with more. The whole yard is not covered in the stone.

Mr. Kahle asked questions about permits for the stone, and had they considered putting a K turn in the front of the property?

Mr. Da Siva said he had no permits for the stone.

Mrs. Cooper suggested reducing the size of the front walkway to make room for a K-turn in the driveway.

Mr. Edinger asked that they return back in front of the Board with some more ideas from their architect for a better way to use the driveway.

Mr. Kennedy said they could come back on March 8th with revised plans with no additional notice required which the Applicant agreed to.

Motion to Carry Application to March 8, 2022 with no additional notice required.

RESULT:	ADOPTED [6 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Dailey, Widdis L
ABSENT:	Widdis C, Kleiberg, Davis
RECUSED:	Tvrdik

Mrs. Cooper recused herself from the next matter and exited the meeting at 8:16 PM

2. PB2021-22 DeGiglio, Kyrsten

45 Main Street
Block 110, Lot 14
Certificate of Non-Conformity, Alternative Variance Relief

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property" prepared by Morgan Engineering & Surveying, dated May 6, 2021.
- A-3 Colliers Engineering Review Letter dated October 26, 2021
- A-4 Planner's Testimony Exhibits, 12 Sheets

The following persons were sworn in: William White, Board Engineer/Planner.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. Mr. Kennedy described why the applicant was before the Board seeking a certificate of pre-existing nonconforming use.

Barbara Ehlen, Applicant's Professional Planner was sworn in, presented her qualifications and was accepted an expert in planning.

Mrs. Ehlen reviewed the ordinances that were available. She did a review of historic tax data that's available on the county website and visited the property. Also researched other historic and tax maps.

Mrs. Ehlen walked the Board through Exhibit A-4 a packet that she assembled of documentation that she researched and put together to go through this property's history. The first page is an aerial obtained from the Monmouth County Property Viewer application and it's a 2020 Aerial. There are clearly two structures. There is parking in the Northern corner. She wanted to point out the sidewalk leading to the rear structure that's a detail that's visible in all their aerials. You will need to refer to this aerial when we look to an aerial that's from the 1940s. The structure was there in those aerials. The next document is most recent tax card which dates the structure to 1932. The property cards denote two structures. There is a total of three units on the property, which date back to 1932 which would predate the 1833 ordinance.

Mr. Sardo, Applicant's attorney, commented it was an important point to make that the information we had from the prior owner, and that we can see physically by the way the house is laid out that there is two units in the main home structure. The back structure is one unit. We have evidence that there are existing units. The applicant only wants to only wants to use these as one unit each.

Mrs. Ehlen continued with the 1940 aerial, a tax card from 1930.

Mr. Sardo said the tax card was important because it's going back to the measuring date of 1933 that we must show prior to the zoning ordinance that made the structure non-conforming.

Mrs. Ehlen said previously the lot was the parcels identified as block 89, lot 15. Under value of improvements on this parcel is 3,100 which is much higher than its neighbors which would indicate there was more improvements on the property which would increase its value. Mrs. Ehlen showed photos of the property you can see that the structure in the rear was not a converted building it was clearly a separate dwelling. The photos showed utility meters, meters for each structure. Photos of the front two family dwelling there are three meters. There are four gas meters located on the side of the front building.

Chairman Whitson invited questions from Mr. White and Board members

Mrs. Widdis asked if they will only have 2 units and will the third kitchen be removed if so.

Mr. Sardo said it will only be two units and the applicant said she will be removing third kitchen.

Mr. Kahle asked if they need any grantor, for making two single family homes such as driveway setbacks or setbacks for rear home.

Mr. White said they're grandfathered in.

Mrs. Smith said she would add that the exhibit that was submitted is what will be in the with the certificate and accepted as non-conforming anything there existing at the time.

Mr. Kahle asked since this is a shared driveway between the front home and rear home is the any paperwork that needs to be done, will the rear home always be able to use the driveway?

Mr. Kennedy said because its all one property with one owner there does not need to be an easement drawn but if they subdivided and there were two different owners' paperwork would have to be drawn up.

PUBLIC: Chairman Whitson opened the hearing to questions from the public of this witness.

John Johnson, Zoning officer/construction official for the Borough of Oceanport stated that none of the site plans have been submitted.

Mr. Sardo responded that there are no site plans right now and if there is to come, they will submit all proper documents.

As there was no one from the public, Chairman Whitson closed that portion of the meeting.

Mr. Kennedy stated for the record that the applicant has two single family homes on the property and an approval of the Board will direct the issuance of the certificate of pre-existing non-conforming use for two principal structures on one site and each structure will only be utilized as single-family homes.

Motion to Approve Certificate of Non-Conformity

RESULT:	ADOPTED [5 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Foster, Dailey, Widdis L
ABSENT:	Widdis C, Kleiberg, Davis
RECUSED:	Cooper, Tvrdik

- X. Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.
- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:52 pm on a motion by Mr. Foster which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary